

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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In the Matter of:

Connecticut Department of Public Utility
Control's Petition for Delegation of
Additional Authority to Implement
Area Code Conservation Measures

Petition for Declaratory Ruling and Request
for Expedited Action On the July 15, 1997
Order of the Pennsylvania Public Utility
Commission Regarding Area Codes
412, 610, 215 and 717

Implementation of the Local Competition
Provisions of the Telecommunications
Act of 1996

NSD File No. L-99-62

NSD File No. L-97-42

CC Docket No. 96-98

COMMENTS OF MCI WORLDCOM, INC.

MCI WorldCom, Inc. (MCI WorldCom) hereby submits comments on the Petition of the Connecticut Department of Public Utility Control (DPUC) for additional authority to implement area code conservation measures. The DPUC seeks authority to: (1) implement mandatory thousands block number pooling; (2) reclaim unused exchange codes or thousands blocks from carriers; and (3) audit number assignment and utilization requirements. The DPUC also seeks a waiver 47 C.F.R. § 52.19(c)(3), which governs the implementation of area code overlays.

MCI WorldCom supports the DPUC's goal of establishing more efficient number assignment practices. MCI WorldCom agrees with the DPUC that thousands block pooling will be most effective when implemented in area codes that are not already in jeopardy. However, MCI WorldCom has consistently opposed pooling activities by individual states outside of the

national process that this Commission has initiated. MCI WorldCom also opposes the DPUC's waiver request, which is unsupported by any showing of special circumstances that could justify deviation from Commission's rules.

The Commission has before it an extensive record on thousands block pooling.¹ That record shows substantial support for the national deployment of thousands block pooling according a phased implementation schedule by Number Portability Administration Center (NPAC) Region. If the Commission were to delegate authority to implement pooling to individual states, any national deployment would be frustrated. Instead, individual states could establish potentially inconsistent schedules without regard to the pooling activities of other states. Such inconsistency would result in the inefficient allocation of industry resources, effectively delaying the completion of pooling deployment. It would also allow states to order pooling implementation even where the costs of pooling exceed potential conservation benefits. Given that a national deployment is needed to prevent needlessly rapid area code exhaust throughout the country, and to slow the demise of the North American Numbering Plan, it simply makes no sense for the Commission to relinquish control over pooling deployment to a multitude of state commissions.

In no case should state implementation of pooling be allowed to proceed until the software needed to support pooling is ready for use. As MCI WorldCom has previously demonstrated, existing pooling trials in Illinois and New York rely on a version of the NPAC database software (Release 1.4) that cannot support more widespread pooling without posing

¹ *In the Matter of Numbering Resource Optimization*, CC Docket No. 99-200.

needless risks to network reliability.² NPAC Release 3.0, which will allow pooling to be deployed more efficiently and reliably, is targeted for release for testing by the end of the second quarter of 2000. Even if the Commission decides to authorize individual states to order mandatory pooling outside of a national deployment schedule, it must make clear that pooling should only proceed using NPAC Release 3.0.

The North American Numbering Plan Administrator (NANPA) has sufficient authority to reclaim numbering resources that are held in violation of the guidelines under which they are issued. MCI WorldCom urges the DPUC to work with the NANPA to seek the recovery of any resources held in violation of those guidelines.³ Since the DPUC has not shown that the current process is deficient, it is unnecessary to authorize the DPUC to order the recovery of numbering resources.

MCI WorldCom agrees that an effective audit program will promote the efficient use of numbering resources. However, individual state audits are not an efficient way to audit the resources and systems of an industry that is characterized by large national and regional service providers. The Commission should establish audit parameters in the numbering resource optimization proceeding. The DPUC and other state commissions should be able to obtain

² See, e.g., Ex Parte Letter from Lori Wright, Senior Manager Regulatory Affairs, MCI WorldCom, to Magalie Roman Salas, Secretary, Federal Communications Commission (filed July 23, 1999), In Re State Petitions for Additional Delegated Authority, CC Docket Nos. 99-200, 96-98, (attached presentation).

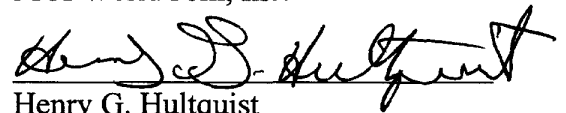
³ At this time, recovery would only apply to full exchange codes. After pooling implementation, recovery could apply to thousands blocks for carriers that receive thousands blocks. Since the DPUC has indicated that it would establish pooling only in new NPAs, it is unclear why it would be necessary to recover thousands blocks.

information generated by the audit program that the Commission establishes.

The Commission's rules may be waived when "good cause" is shown. This would require a showing of circumstances specific to Connecticut that justify deviation from the general rule.⁴ The DPUC seeks a waiver of the Commission's rules on the implementation of area code overlays. All that the DPUC offers in support of its request is the bare statement that: "[t]he waiver is intended to be used to minimize customer confusion and expense associated with introducing new area codes in Connecticut."⁵ As a showing of special circumstances, this is deficient. A number of states have successfully introduced overlay area codes in conformance with the Commission's rules, without significant customer confusion. Whatever else the DPUC might cite as a basis for its request, consumers in Connecticut are no more prone to confusion than consumers in other states. Accordingly, the DPUC's waiver request cannot be granted.

For the reasons stated above, the DPUC requests for additional authority and for a waiver of 52 C.F.R. § 52.19(c)(3) should be denied.

Respectfully submitted,
MCI WorldCom, Inc.



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⁴ See, e.g., *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990); *WAIT Radio v. FCC*, 418 F.2d 1153 (D.C. Cir. 1969).

⁵ DPUC Petition at 2.

CERTIFICATE OF SERVICE

I, Vivian Lee, do hereby certify that copies of the foregoing Comments of MCI WorldCom Inc. were sent via first class mail, postage paid, to the following on this 7th day of September 1999.

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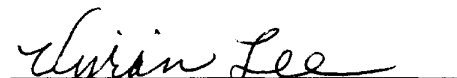
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